

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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NOBLE RESOURCES, S.A.

*Plaintiff.*

**08 Civ. 3876 (LAP)**

- against -

YUGTRANZITSERVIS LTD.,  
a.k.a. YUGTRANZIT SERVIS LIMITED, and  
SILVERSTONE S.A.,

*Defendants.*

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**DECLARATION OF OLEKSANDR SHEVCHUK**

I, **OLEKSANDR SHEVCHUK**, pursuant to Section 1746 of Title 18 of the United States Code, hereby declare and say the following under penalty of perjury:

1. I am an individual of sound mind and body, and have never been convicted of a crime of moral turpitude.
2. I am a Director of Silverstone S.A. (hereinafter "Silverstone"), and make this affidavit from personal knowledge and official company records.
3. Silverstone is a corporation existing by virtue of the laws of Switzerland with its principal place of business at 1, Avenue Benjamin-Constant, 1003 Lausanne, Switzerland.
4. Silverstone issued an irrevocable guarantee to Noble Resources S.A. in order to guarantee Yugtransitservis Ltd.'s performance on a sale and purchase contract #200704147 (dated April 13, 2007) ("the contract") entered into by Noble Resources S.A., as "Buyer" and Yugtransitservis Ltd. as "Seller." It is my understanding that the sales contract was to be performed in Novorossiysk, Russia.

5. A true and complete copy of the guarantee is attached hereto as Exhibit "A."
6. At present, we are advised by our legal advisors that there are questions as to the validity and/or applicability of this guarantee under applicable Swiss law.
7. Silverstone is not qualified or licensed to do business in the State of New York.
8. Silverstone does not have an agent in New York who is authorized to accept service of process on its' behalf.
9. Silverstone has not consented to jurisdiction in the State of New York nor has the company agreed to arbitration in the State of New York for any matters related to this lawsuit.
10. Silverstone does not maintain an office nor employees in the State of New York.
11. Silverstone does not own property in the State of New York.
12. Silverstone does not maintain bank accounts in the State of New York.
13. Silverstone does not "do business" or conduct business within the State of New York.

I hereby declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and accurate to the best of my knowledge.

Dated: July 21<sup>st</sup>, 2008

Lausanne, Switzerland

A handwritten signature in black ink, appearing to read 'Oleksandr Shevchuk', with a long horizontal flourish extending to the right.

OLEKSANDR SHEVCHUK

# EXHIBIT “A”



From: Silverstone S.A. ("the Guarantor")

To: Noble Resources S.A. ("the Buyers")

Dear Sirs,

Yugtransit Servis Limited sale/purchase Contract 200704147 dated 13.04.07  
(the "Contract").

#### GUARANTEE

The Guarantor irrevocably and unconditionally:

- (a) as principal obligor guarantees to the Buyers the prompt performance by the Yugtransit Servis Limited of all its obligations under the Contract;
- (b) undertakes with the Buyers that whenever the Yugtransit Servis Limited does not pay the agreed and confirmed amount when due under or in connection with the Contract the Guarantor shall forthwith on demand by the Buyers pay that amount (in the currency in which it is due) as if the Guarantor instead of the Yugtransit Servis Limited were expressed to be the principal obligor; and
- (c) indemnifies the Buyers on demand against any loss or liability suffered by it if any obligation guaranteed by the Guarantor is or becomes unenforceable, invalid or illegal.

Yours faithfully,  
Silverstone S.A.

